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HOUSE BILL 335

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE POWERS AND DUTIES OF
THE TRAFFIC SAFETY BUREAU OF THE DEPARTMENT OF TRANSPORTATION;
REQUIRING APPLICANTS FOR LICENSURE OR CERTIFICATION TO PROVIDE
CRIMINAL BACKGROUND CHECK INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-506 NMSA 1978 (being Laws 1978,
Chapter 35, Section 493, as amended) is amended to read:

"66-7-506. BUREAU--FUNCTIONS--POWERS--DUTIES.--The bureau
shall have the following powers and duties:

A. organize, plan and conduct a statewide program
of activities designed to prevent accidents and to reduce the
incidence of DWI in New Mexico;

B. coordinate activities and programs of the
departments, divisions and agencies of this state now engaged

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1 in promoting traffic safety;

2 C. provide accident prevention information and
3 publicity to all appropriate media of information and develop
4 other means of public information;

5 D. cooperate with all public and private agencies
6 and organizations interested in the promotion of traffic safety
7 and accident prevention;

8 E. serve as a clearinghouse for all traffic safety
9 materials and information used throughout this state;

10 F. cooperate in promoting research, special studies
11 and analysis of problems concerning the safety and welfare of
12 the citizens of New Mexico;

13 G. cooperate fully with national safety
14 organizations in bringing about greater effectiveness in
15 nationwide accident prevention activities and programs;

16 H. make studies and suitable recommendations,
17 through the chief and the secretary of transportation, to the
18 legislature concerning safety regulations and laws;

19 I. prepare and submit each year a written report to
20 the governor concerning the activities of the bureau and
21 activities concerning assistance to local organizations and
22 officials;

23 J. institute and administer a statewide motorcycle
24 training program funded as provided for in Section 66-10-10
25 NMSA 1978;

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1 K. institute and administer an accident prevention
2 course for elderly drivers as provided for in Section
3 59A-32-14 NMSA 1978;

4 L. cooperate with the public education department
5 to develop a regulatory framework for instructional and
6 administrative processes, including licensure requirements for
7 instructors, and a curriculum for instruction in defensive
8 driving with a DWI education and prevention component to be
9 offered statewide in secondary schools as an elective;

10 M. institute and administer a DWI prevention and
11 education program for elementary and secondary school students,
12 funded as provided for in Section 66-5-35 NMSA 1978;

13 N. include at least two hours of DWI prevention and
14 education training in all driver education courses approved by
15 the bureau; [~~and~~]

16 O. include a DWI recidivism prevention component in
17 all driver rehabilitation programs for alcohol or drugs
18 approved by the bureau;

19 P. promulgate rules for the administration of a
20 program to certify DWI schools and ignition interlock
21 installers as approved providers;

22 Q. require applicants for certification as an
23 approved DWI school, driver safety course provider or ignition
24 interlock installer or as a licensed driver education
25 instructor to submit a set of two fingerprint cards;

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1 R. submit fingerprint cards to the department of
2 public safety and the federal bureau of investigation, evaluate
3 the results of a criminal background check to determine
4 eligibility for certification or licensure based on available
5 records and information and deny licensure to an applicant
6 posing a risk to the public or state; and

7 S. provide for confidentiality of criminal history
8 information, which shall be used only to determine eligibility
9 for licensure or certification."

10 Section 2. Section 66-10-4 NMSA 1978 (being Laws 1967,
11 Chapter 185, Section 4, as amended) is amended to read:

12 "66-10-4. QUALIFICATIONS OF DRIVER EDUCATION
13 INSTRUCTORS.--Every person in order to qualify as an instructor
14 for a driver education school shall meet the following
15 requirements:

16 A. possess qualifications as prescribed by the
17 traffic safety bureau of the department of transportation;

18 B. be physically able to operate safely a motor
19 vehicle and to train others in the operation of motor vehicles;

20 C. hold a valid New Mexico operator's or
21 chauffeur's license; [~~and~~]

22 D. pay to the traffic safety bureau of the
23 department of transportation an annual license fee to be set by
24 regulation of the bureau; and

25 E. submit or cause to be submitted to the traffic

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1 safety bureau of the department of transportation a criminal
2 history background check made by an appropriate law enforcement
3 agency."

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